

## Article - Environment

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§9-652.

(a) After a service area has been created under § 9-648 or § 9-649 of this subtitle, the sanitary commission may obtain further surveys, plans, specifications, and estimates that relate to possible projects in a service area.

(b) The sanitary commission may create, within a service area:

- (1) Water service subareas;
- (2) Sewerage service subareas; and
- (3) Solid waste disposal subareas.

(c) In creating a service subarea under this subsection, the sanitary commission shall consider whether that creation:

- (1) Best serves the needs of the communities in the whole service area; and
- (2) Promotes convenience and economy of installation and operation of projects in the whole service area.

(d) When a plan for a proposed project is complete or when the sanitary commission proposes to create service subareas, the sanitary commission shall give notice and hold a public hearing at which time any individual will be given an opportunity to be heard in accordance with this section.

(e) The hearing shall be held within 5 days of the last date that notice of the hearing is published under subsection (f) of this section.

(f) For 3 consecutive weeks before the hearing, the sanitary commission shall publish notice of the hearing in at least 1 newspaper of general circulation in each member county in which the proposed project or service subarea is to be located.

(g) The notice shall include:

- (1) The probable cost, based on the latest available estimates, of the proposed project or subarea;

(2) A statement that the plans for the proposed project or subarea may be inspected at the office of the sanitary commission; and

(3) A statement that any individual interested in the proposed project or subarea will be heard at the hearing.

(h) A statement of probable cost included in a notice under this section does not require that the actual cost be the same.

(i) After the hearing, the sanitary commission shall issue a decision on the proposal.

(j) On receipt of a proper petition that protests the proposal, the sanitary commission shall hold a second hearing and give notice of that hearing.

(k) A petition for a second hearing by the sanitary commission shall:

(1) Be signed by at least 25 resident landowners who would be served by the proposed project or who reside in the proposed service subarea;

(2) Be filed with the sanitary commission within 10 days after the sanitary commission issues a decision under subsection (i) of this section; and

(3) State the objections of the petitioners.

(l) If a proper petition for a second hearing is filed with the sanitary commission, the sanitary commission shall hold a second hearing, if any, within 15 days after the petition is filed.

(m) The sanitary commission shall give notice of the second hearing, if any, by:

(1) Mailing the notice to at least 1 petitioner; and

(2) Publishing a notice of the time and place of the hearing, at least 5 days before the second hearing, in at least 1 newspaper of general circulation in each county where the proposed project or service subarea is to be located.

(n) After the second hearing, if any, the sanitary commission shall:

(1) By majority vote of the sanitary commissioners, determine whether the petitioner's objections are reasonable; and

(2) Issue a written order that decides the issue.

(o) The sanitary commission shall give notice of its order after any second hearing under this section by:

(1) Mailing the order to at least 1 petitioner; and

(2) Publishing the order in at least 1 newspaper of general circulation in each member county where the proposed project or service subarea is to be located.

(p) Persons aggrieved by the decision of the sanitary commission following a second hearing under this section may appeal to the member counties in accordance with this section.

(q) An appeal to the member counties may be made under this section if:

(1) The appeal is signed by at least 20 of the petitioners for a second hearing before the sanitary commission; and

(2) Within 10 days after notice of the sanitary commission's decision after the second hearing is published under this section, the appeal is filed with the governing body of each member county where the proposed project or service subarea is to be located.

(r) The governing body of each member county of the proposed project or service subarea shall hear the appeal from the second hearing.

(s) After an appeal under this section, the proposed project or service subarea may not be established unless the governing body of each member county affirms the proposed project or service subarea.

(t) The decision of the governing bodies of the member counties is final.

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